

ESTTA Tracking number: **ESTTA325245**Filing date: **01/05/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

|         |  |             |          |
|---------|--|-------------|----------|
| Name    | Domaine Carneros, Ltd.                             |             |          |
| Entity  | Corporation  | Citizenship | Delaware |
| Address | 1240 Duhig Road<br>Napa, CA 94558<br>UNITED STATES |             |          |

|                      |  |
|----------------------|--|
| Attorney information | Katja Loeffelholz<br>Gaw VanMale Smith Myers & Reynolds, APC<br>1000 Main Street, Third Floor<br>Napa, CA 94559<br>UNITED STATES<br>kl@gawvanmale.com Phone:707-252-9000 |
|----------------------|--|

**Registration Subject to Cancellation**

|                 |  |                   |            |
|-----------------|--|-------------------|------------|
| Registration No | 3693594  | Registration date | 10/06/2009 |
| Registrant      | Grand Reve Vintners, LLC<br>404 289th Place NE<br>Carnation, WA 98014<br>UNITED STATES |                   |            |

**Goods/Services Subject to Cancellation**Class 033. First Use: 2009/02/00 First Use In Commerce: 2009/03/00  
All goods and services in the class are cancelled, namely: Wines**Grounds for Cancellation**

|                                      |                             |
|--------------------------------------|-----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d)  |
| Dilution                             | Trademark Act section 43(c) |

**Mark Cited by Petitioner as Basis for Cancellation**

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2255988   | Application Date      | 07/31/1997 |
| Registration Date     | 06/22/1999  | Foreign Priority Date | NONE       |
| Word Mark             | LE REVE   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 033. First use: First Use: 1998/02/00 First Use In Commerce: 1998/04/29 |                       |            |

|  |                        |
|--|------------------------|
|  | wines, sparkling wines |
|--|------------------------|

|             |  |
|-------------|--|
| Attachments | doc20100105133259.pdf ( 7 pages )(445880 bytes ) |
|-------------|--|

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

|           |                     |
|-----------|---------------------|
| Signature | /Katja Loeffelholz/ |
| Name      | Katja Loeffelholz   |
| Date      | 01/05/2010          |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

|                          |   |                   |
|--------------------------|---|-------------------|
| Domaine Carneros, Ltd.   | ) |                   |
|                          | ) |                   |
| Petitioner,              | ) | Cancellation No.: |
|                          | ) |                   |
| vs.                      | ) | Reg. No.: 3693594 |
|                          | ) | Mark: GRAND RÊVE  |
|                          | ) |                   |
| Grand Reve Vintners, LLC | ) |                   |
|                          | ) |                   |
| Registrant               | ) |                   |
|                          | ) |                   |

**PETITION FOR CANCELLATION**

Petitioner, Domaine Carneros, Ltd., a Delaware Corporation with a business address of 1240 Duhig Road, Napa, CA 94558 hereby petitions for cancellation the registration of the mark GRAND RÊVE which the subject of registration number 3693594 owned by Grand Reve Vintners, LLC, a Washington Limited Liability Company, having an address of 404 289<sup>th</sup> Place NE Carnation, Washington 98014.

As grounds in support of this Petition for Cancellation, Petitioner alleges that:

1. Petitioner owns Registration No. 2255988 for the mark LE REVE for use on goods in International Class 033, namely, wines and sparkling wines. Petitioner is currently using, and has used for at least the past 11 years the mark LE REVE on wines and sparkling wines. The English translation of the mark LE REVE is “the dream”. Petitioner’s mark was registered on June 22, 1999, and was renewed on September 11, 2008. The registration has incontestable status achieved in 2004. A copy of the registration showing title and status is attached hereto as Exhibit A.

2. Registrant filed application serial number 77479584 for the mark GRAND RÊVE on May 20, 2008. The English translation of the mark GRAND RÊVE is “great dream”. The application was initially based on Registrant’s intent to use the mark in commerce on goods in International class 033, namely, wines. Registrant states a date of first use in commerce as February 2009 and date of first use in interstate commerce as March 2009. The application registered on October 6, 2009, and was issued Registration No. 3693594.

First Basis of Cancellation

3. Petitioner alleges that it has superior rights to the mark through prior use of the mark in commerce.

4. Registrant’s mark so resembles Petitioner’s previously used mark as to be likely, when applied to Registrant’s goods identified in International Class 033, to cause confusion, mistake, or deception for purposes of Section 2(d) of the Lanham Act, thereby resulting in damage to the Petitioner.

Second Basis of Cancellation

5. Petitioner’s mark is famous and became famous prior to Registrant’s first use of its mark, and Registrant’s mark when used causes dilution of the distinctive quality of Petitioner’s mark under Section 43(c) of the Lanham Act.

A fee in the amount of \$300 is due in connection with the Petition for Cancellation, which fee will be paid electronically upon filing.

WHEREFORE, Applicant prays that registration to the Registration be cancelled and the Petition for Cancellation be sustained.

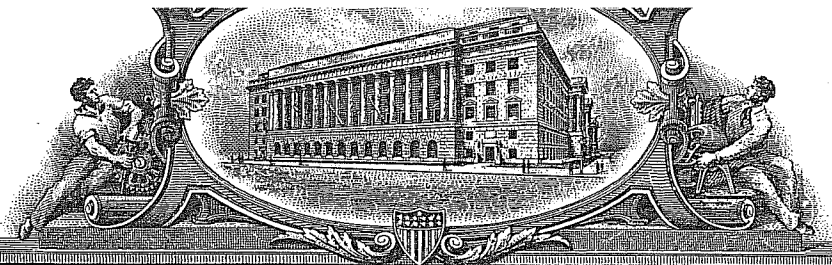
Dated: January 5, 2010

Respectfully Submitted,

By Katja Loeffelholz  
Katja Loeffelholz  
Attorneys for Petitioner  
Domaine Carneros, Ltd.

Gaw VanMale Smith Myers  
& Reynolds, APC  
1000 Main Street, Third Floor  
Napa, CA 94559  
Telephone: 707-252-9000  
Email: [kl@gawvanmale.com](mailto:kl@gawvanmale.com)

## EXHIBIT A



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

December 18, 2009

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,255,988 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 22, 1999*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *June 22, 2009*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*Registrant*

By Authority of the

Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

P. SWAIN

Certifying Officer



Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

**United States Patent and Trademark Office**

Reg. No. 2,255,988

Registered June 22, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**LE REVE**

DOMAINE CARNEROS, LTD. (DELAWARE  
CORPORATION)  
1240 DUHIG ROAD  
NAPA, CA 94558

THE ENGLISH TRANSLATION OF THE  
FRENCH WORDS "LA REVE" IS "THE  
DREAM".

FOR: WINES, SPARKLING WINES, IN  
CLASS 33 (U.S. CLS. 47 AND 49).  
FIRST USE 2-0-1998; IN COMMERCE  
4-29-1998.

SN 75-333,642, FILED 7-31-1997.

ROBERT J. CROWE, EXAMINING ATTORNEY

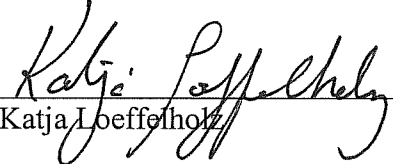


**THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

|                          |   |                   |
|--------------------------|---|-------------------|
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| Petitioner,              | ) |                   |
|                          | ) | Reg. No.: 3693594 |
| vs.                      | ) | Mark: GRAND RÊVE  |
|                          | ) |                   |
| Grand Reve Vintners, LLC | ) |                   |
|                          | ) |                   |
| Registrant               | ) |                   |
| _____                    | ) |                   |

**CERTIFICATE OF SERVICE**

I, Katja Loeffelholz, hereby certify that a copy of Petitioners PETITION FOR CANCELLATION was served by first class mail; postage prepaid, upon Grand Reve Vintners, LLC, 404 289<sup>th</sup> Place, NE Carnation, WA 98014 and attorney of record, Maureen Burke, Cairncross & Hempelmann, P.S., 524 2<sup>nd</sup> Avenue, Suite 500, Seattle, WA 98104-2323 on this 5<sup>th</sup> day of January, 2010.

By:   
Katja Loeffelholz